IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Review App. No. 5761 of 2005

IN

Writ Petition No. 6448 of 2001 (S/S)
(Old No. 1761 of 1993)
WITH
Writ Petition No. 6449 of 2001 (S/S)

1. **Dinesh**
2. **Vinay**
3. **Smt. Meena Devi**
4. **Anil**
5. **Rajesh**
6. **Saran Masih ……Petitioners**

Versus

1. **State of Uttar Pradesh**
   through its Secretary Nagar Vikas Lucknow
2. **Chairman**
   Nagar Palika
   Kashipur, Nainital ……..Respondents

Shri V.B.S. Negi, learned counsel for the petitioners.
Shri Pradeep Lohani, learned counsel for the respondents.

Hon'ble Prafulla C. Pant

This application is moved on behalf of the petitioner No. 5- Rajesh, for review of judgment and order dated 12th July, passed in writ petition No. 6449 of 2001 (S/S), writ petition No. 6448 of 2001 (S/S), writ petition No. 6650 of 2001 (S/S), writ petition No. 6650 of 2001 (S/S)

Last para of said order dated 12th July, 2005, reads as under:-

"Learned counsel for the petitioners, argued that, in view of continuance in service, the petitioners are entitled to

regularization. However, this Court feels that the regularization can only be directed, subject to the condition that the posts are sanctioned by the government. Learned Standing Counsel for the Nagar Palika submits that by Government Order dated 25.09.2004, the Government of Uttaranchal, has lifted the ban on recruitment of sweepers. Learned Counsel further brought to the notice of the Court that there are some twenty vacant posts, which are required to be filled and Nagar Palika is ready to accommodate those petitioners, who are entitled to same according to their seniority, in terms of the Government Order. In view of said statement, as to the regularization of the petitioners, it is directed that their cases for regularization may be considered expeditiously according to the seniority of the daily wage workers (provided they are still working on daily wages), subject to availability of the vacant post. All the four writ petitions are accordingly disposed of."

Heard learned counsel for the parties.

Learned counsel for the petitioner No. 5, Shri Rajesh of writ petition No. 6448 (S/S) of 2001, submitted that in the judgment and order dated 12th July, 2005, the relief as to the termination order, challenged by him, has not been answered. I have gone through the record as well as the judgment, passed on 12.07.2005. The said relief stands refused. In view of the detailed order dated 12.07.2005, passed in aforesaid writ petitions, there is no error apparent in the judgment. Therefore, the review petition is dismissed.

(Prafulla C. Pant, J.)

Dt: 17.08.2005
Sweta